

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

FEB 06 2008

JOHN F. CORCORAN, CLERK
BY: 
DEPUTY CLERK

JESSEE RAYMOND SMITH, JR.,
Petitioner,

Civil Action No. 7:07CV00536

v.

FINAL ORDER

LORETTA KELLY, WARDEN OF
SUSSEX I STATE PRISON,
Respondent.

By: Hon. James C. Turk
Senior United States District Judge

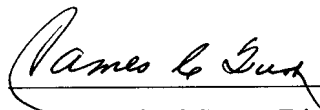
In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that respondent's motion to dismiss shall be and hereby is **GRANTED**; Smith's motion for an evidentiary hearing (docket number 2) is **DENIED**; and Smith's petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, shall be and hereby is **DISMISSED**. This case shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a copy of this Order and accompanying Memorandum Opinion to petitioner.

ENTER: This 6th day of February, 2008


Senior United States District Judge